



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १२]

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असाधारण क्रमांक २७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Pandharpur Temples (Amendment) Bill, 2018 (L. A. Bill No. I of 2018), introduced in the Maharashtra Legislative Assembly on the 27th February 2018, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. I OF 2018.

A BILL

further to amend the Pandharpur Temples Act, 1973.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Pandharpur Temples Act, 1973, for the purposes hereinafter appearing ; and, therefore, promulgated the Pandharpur Temples (Amendment) Ordinance, 2018, on the 23rd January 2018 ;

Mah. IX
of 1974.
Mah.
Ord. III
of 2018.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

Short title and comment.	1. (1) This Act may be called the Pandharpur Temples (Amendment) Act, 2018.	
	(2) It shall be deemed to have come into force on the 23rd January 2018.	Mah. IX of 1974.
Amendment of section 2 of Mah. IX of 1974.	2. In section 2 of the Pandharpur Temples Act, 1973 (hereinafter referred to as “the principal Act”), after clause (f), the following clause shall be inserted, namely :— “(f-1) “Council” or “Advisory Council” means the Advisory Council constituted under section 32A ;”.	
Amendment of section 21 of Mah. IX of 1974.	3. In section 21 of the principal Act, in sub-section (1),— (a) for the words “twelve members” the words “fifteen members” shall be substituted ; (b) for the words “eleven members” the words “fourteen members ” shall be substituted.	
Amendment of heading of CHAPTER III of Mah. IX of 1974.	4. In CHAPTER III of the principal Act, in the heading, after the words “THE COMMITTEE” the words “AND THE ADVISORY COUNCIL” shall be added.	
Insertion of section 32A in Mah. IX of 1974.	5. After section 32 of the principal Act, the following section shall be inserted, namely :—	
Advisory Council.	“32A. (1) The State Government may, by an order, constitute the Advisory Council to advise the Committee. (2) The Advisory Council shall consist of the following, namely :— (i) Chairman of the Committee, <i>ex officio</i> —Chairman. (ii) Collector, Solapur District, <i>ex officio</i> —Member. (iii) Not more than seven other members to be nominated by the State Government. (3) The Executive Officer of the Committee shall act as the Secretary of the Advisory Council. (4) The functions and duties of the Advisory Council shall be such as may be specified by the Government, by general or special order. The Advisory Council shall observe such procedure in regard to transaction of business in meetings (including <i>quorum</i>) thereof, as it may, from time to time, decide.”.	

Mah.
Ord. III
of 2018.

6. (1) The Pandharpur Temples (Amendment) Ordinance, 2018, is hereby repealed.

Repeal of
Mah. Ord. III
of 2018 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act :

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Pandharpur Temples Act, 1973 (Mah. IX of 1974) has been enacted to *inter alia* provide for the abolition of all the hereditary rights, privileges of ministrants and priestly classes functioning in the Temples of God *Vitthal* and Goddess *Rukmini* at Pandharpur as also for the acquisition of such rights and privileges and for the vesting of such rights and privileges in a Committee established for the purpose and for providing for better administration and governance of those Temples.

2. Section 21 of the said Act empowers the State Government to establish a Committee consisting of the Chairman, Co-Chairman and members to be appointed by the State Government from amongst the persons ordinarily residing in the State who are devotees of God *Vitthal* and Goddess *Rukmini* and who, prior to their appointment, make a declaration accordingly in the form determined by the State Government for the purpose and the President of the Pandharpur Municipal Council, *ex officio* member.

3. In view of the phenomenal increase in the activities of the Committee and to provide requisite infrastructural facilities at the temples and the necessary facilities for the devotees of God *Vitthal* and Goddess *Rukmini*, who visit Pandharpur in large numbers, it was felt necessary to provide for constitution of an Advisory Council for advising the Committee in discharge of its duties and functions more efficiently, consisting of persons having special knowledge and practical experience in various fields, including the religious rites and ceremonies and the traditions and practices of the God *Vitthal* and Goddess *Rukmini* and other Saints and for the matters connected therewith. It was therefore, considered expedient to immediately amend the said Act, suitably.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Pandharpur Temples Act, 1973 (Mah. IX of 1974), for the purposes aforesaid, the Pandharpur Temples (Amendment) Ordinance, 2018 (Mah. Ord. III of 2018) was promulgated by the Governor of Maharashtra on the 23rd January 2018.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 21st February 2018.

DEVENDRA FADNAVIS,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :-

Clause 5.—Under this clause, which seeks to insert new section 32A in the Pandharpur Temples Act, 1973 (Mah. IX of 1974), power is taken to the State Government,—

(a) in sub-section (1) thereof, to constitute, by an order, the Advisory Council to advise the Committee ;

(b) in sub-section (4) thereof, to specify, by general or special order, the functions and duties of the Advisory Council.

2. The above-mentioned proposals for delegation of legislative power are of normal character.